

FILED

FEB 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN BRADSHAW,

Defendant - Appellant.

No. 05-10194

D.C. No. CR-04-4-00027-PMP

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Nevada
Philip M. Pro, Chief District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

John Bradshaw appeals from his guilty-plea conviction and 63-month sentence imposed for conspiracy, identity theft, production of five or more unauthorized identifications, possession of stolen mail, possession of counterfeit

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

security of an organization, and aiding and abetting, in violation of 18 U.S.C. §§ 371, 1028(a)(1) and (7), 1708, 513(a), and 2.

Bradshaw's attorney has filed a brief and moved to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), on the ground that the appeal presents no arguable issues. Bradshaw has not submitted a pro se supplemental brief.

Because our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 82-83 (1988), indicates that Bradshaw knowingly and voluntarily waived his right to appeal and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**